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2 **UNITED STATES DISTRICT COURT**

3 **DISTRICT OF NEVADA**

4 MICHAEL RENO and ERIC KIEFABER,

5 Plaintiffs,

6 v.

7 WESTERN CAB COMPANY, HELEN
8 TOBMAN MARTIN, MARILYN TOBMAN
9 MORAN, JANIE TOBMAN MOORE,
10 MARTHA SARVER, and JASON AWAD,

Defendants.

Case No.: 2:18-cv-00840-APG-NJK

**ORDER REVISING PROPOSED
NOTICE OF PENDENCY OF
COLLECTIVE ACTION**

[ECF Nos. 72, 74]

11 In response to my prior order (ECF No. 70), the plaintiffs filed a proposed notice of
12 pendency of collective action. ECF No. 72. The defendants oppose two parts of the proposed
13 notice. ECF No. 74.

14 I agree with the defendants that the plaintiffs' proposed language about drivers who
15 signed arbitration agreements is unnecessarily prejudicial. Therefore, the language in that
16 section of the notice (ECF No. 72 at 3:16-19) shall be revised to say:

17 **IF YOU PREVIOUSLY SIGNED AN ARBITRATION AGREEMENT**

18 If you signed an arbitration agreement with Western Cab, you may choose
19 to join this lawsuit. However, the arbitration agreement may bar your
participation in the later stages of this collective action.

20 The defendants also object to language about payment of the plaintiffs' counsel's fees.
21 This language (ECF No. 72 at 3:26-28) is unnecessary and could mislead a plaintiff. Therefore,
22 it shall be stricken from the notice.
23

1 The defendants have no other objections to the proposed notice, nor do I. The plaintiffs'
2 counsel shall revise the notice as ordered above and then email it to my chambers, in Word
3 format. I will sign and enter the notice and then it may be circulated and posted as provided in
4 my earlier order. *See* ECF No. 70 at 9-10.

5 DATED this 8th day of March, 2019.



7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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